

REMARKS

In response to the Office Action mailed 6 September 2005, Applicant hereby elects, without traverse, the invention defined in Group I, i.e., claims 1-39 drawn to a chimeric non-immunoglobulin binding polypeptide.

The Examiner has requested an election of species within Group 1 by requesting that the applicant choose one species from species a) to d) and one species from species e) to ab) and one species from species ac) to ae). Applicant respectfully submits that the species a) to d) and species e) to ab) groups should be combined and should also include the polypeptide Thy-1. All of the species within this combined group are "immunoglobulin-like domains" as defined in the claims and specification of the instant application. Applicant agrees with the Examiner that species ac) to ae) are properly characterized as separate species from the immunoglobulin-like domains. Indeed, species ac) to ae) are the "parent binding polypeptide" as defined in the claims and specification of the instant application.

Accordingly, Applicant elects Thy-1 as the species of immunoglobulin-like domain and species ac), namely EPO, as the species of parent binding polypeptide for prosecution on the merits.

The list of claims readable on this combination of species is 1, 2, 4, 5, 7, 8, 9, 10, 11, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37, 38 and 39.

Claims 1-40 were pending in this application. Claim 39 has been canceled, without prejudice, subject to its inclusion in a continuing application. Claims 3, 6, 12, 15, 24 and 36 have been withdrawn

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pending allowance of a generic claim. Upon entry of this amendment, claims 1, 2, 4, 5, 7, 8, 9, 10, 11, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37, 38 and 39 will be pending.

Respectfully submitted,

By


Kirk Baumister

Reg. No. 33,833

Enclosure: Petition for a One-Month Extension of Time